

# MEMORANDUM



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**TO:** Jeff Witt, AICP  
**FROM:** Daniel Harrison, AICP  
**SUBJECT:** Summary of Major Changes between the Draft Zoning Ordinance and Current Zoning Ordinance  
**DATE:** February 3, 2011

#	Pg.	Section	Summary of Change
Section 1. General Provisions			
1	6	Subsection 1.01. Enacting Clause	<ul style="list-style-type: none"><li>• <u>Originally:</u> Section 1-1</li><li>• Replaced the term Comprehensive Zoning Ordinance (CZO) with Zoning Ordinance (ZO) to avoid confusion with the Comprehensive Plan.</li><li>• Updates will be made for the ordinance number and adopted date.</li></ul>
2	6	Subsection 1.02. Purpose	<ul style="list-style-type: none"><li>• <u>Originally:</u> Section 1-2</li><li>• 1.02.03 – Added: The Comprehensive Plan has been used as a guide to develop the regulations within this Zoning Ordinance.</li></ul>
3	6	Subsection 1.03. Zoning District Map	<ul style="list-style-type: none"><li>• <u>Originally:</u> Section 1-3</li><li>• 1.03.03 – Added: In order to provide and maintain a current-to-date and accurate map of all zoning district boundaries, the City shall maintain electronic mapping files or other similar Geographic Information System (GIS) files of the Official Zoning District Map with all approved zoning amendments.</li></ul>
4	7	Subsection 1.04. Zoning District Boundaries	<ul style="list-style-type: none"><li>• <u>Originally:</u> Section 1-4</li><li>• 1.04.01.D – Amended error correction process to be the same as a zoning change.</li><li>• 1.04.01.G – Amended text related to automatically extending zoning on abandoned rights-of-way and replaced with standard zoning procedure.</li></ul>
5	8	Subsection 1.05. Compliance Required / Interpretation / Rules of Construction	<ul style="list-style-type: none"><li>• <u>Originally:</u> Section 1-5</li><li>• Changed authority to interpret the Zoning Ordinance from Building Official to Director.</li></ul>

#	Pg.	Section	Summary of Change
6	11	Subsection 1.06. Nonconforming Uses and Structures	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 1-10</li> <li>• Entire section has been rewritten.</li> <li>• Deleted requirement for the registration of nonconforming uses</li> <li>• Included abandonment intent language.</li> <li>• Added a 10% expansion of nonconforming structures with conforming uses is allowed.</li> <li>• Added a nonconforming use may expand within an existing building providing the building is not expanded.</li> <li>• Amended partial destruction threshold from 60% to 51%.</li> </ul>
Section 2. Zoning Districts			
7	16	Subsection 2.01. Zoning Districts Established	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 2-1</li> <li>• Divided zoning districts into three sections: residential, nonresidential, and special districts.</li> <li>• Deleted the zoning districts Neighborhood Service (NS) and Corporate Office (CO) due to non-use of the districts and the ability of other districts to accommodate the permitted uses.</li> <li>• The NS-zoned properties will be rezoned to Retail, see equivalency table.</li> <li>• There are no CO zoned properties; therefore, all CO text will be deleted and there is no need to address deletion within the equivalency table.</li> <li>• Renamed SF Districts: <ul style="list-style-type: none"> <li>○ SF-1 = SF-16 (16,000 sq.ft. minimum lot size)</li> <li>○ SF-2 = SF-12.5 (12,500 sq.ft. minimum lot size)</li> <li>○ SF-3 = SF-10 (10,000 sq.ft. minimum lot size)</li> <li>○ SF-4 = SF-8.5 (8,500 sq.ft. minimum lot size)</li> <li>○ SF-5 = SF-7 (7,000 sq.ft. minimum lot size)</li> </ul> </li> <li>• Deleted duplicate purpose statements – purpose statements are now only located in the district descriptions.</li> </ul>
8	17	Subsection 2.02. Equivalency Table	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 2-2</li> <li>• Updated table to reflect current districts.</li> </ul>
9	18	Subsection 2.03. Residential Zoning Districts	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 3-1</li> <li>• Renamed single family districts to correlate with minimum lot size (i.e., SF-5 becomes SF-7 for 7,000 sq ft)</li> <li>• Per Code Enforcement's request: Added front yard coverage requirement (along with Illustration 9.01.01.4) for the following zoning districts: A, RE, all SF districts, and OTR. <ul style="list-style-type: none"> <li>○ Standard designed to prevent the paving of the front yard to limit excessive parking of vehicles between the house and curb, to reduce stormwater runoff, and to address aesthetic concerns.</li> <li>○ Illustration added on page 321 for clarity.</li> </ul> </li> </ul> <div data-bbox="747 1436 1477 1869"> </div> <ul style="list-style-type: none"> <li>• Relocated most dimensional standards from each individual section to one table within Subsection 2.06 (Development Standards Table).</li> </ul>

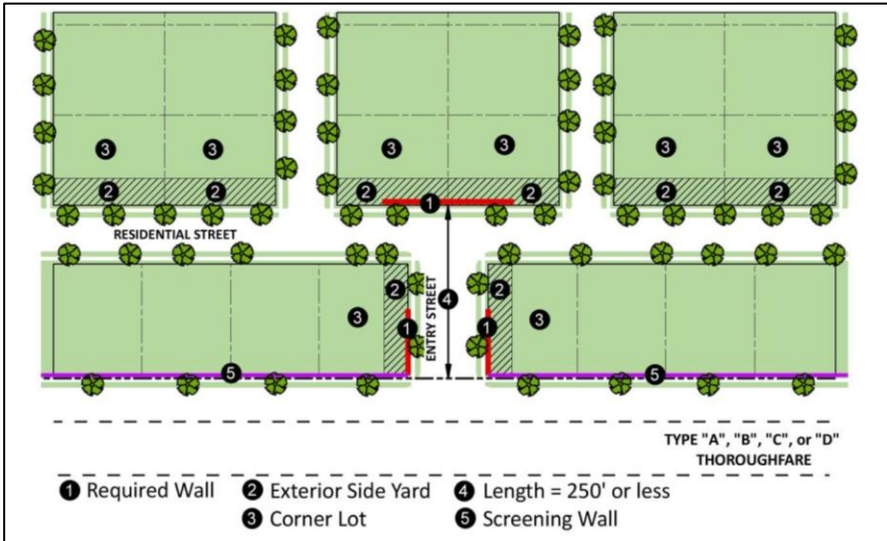
#	Pg.	Section	Summary of Change
			<ul style="list-style-type: none"> <li>Relocated PH, TH, and MF open space requirements to one comprehensive section (Subsection 4.13).</li> <li>Deleted maximum density (DUA) from all related zoning district purpose statements and clarified the DUA standard in Section 4.10.</li> <li>Renamed multifamily districts to correlate with maximum density (i.e., MF-1 becomes MF-15 for 15 units/acre)</li> <li>Clarified the requirement of 15 and 19 units per net acre in the text of both MF-15 and MF-19 Districts.</li> <li>Updated purpose statements.</li> <li>Simplified the organization of each district by providing standards in one chart for ease of use.</li> <li>Moved all duplicate MF requirements from MF-15 and MF-19 to one comprehensive MF Development Standards Section (Subsection 4.12).</li> </ul>
10	35	Subsection 2.04. Nonresidential Zoning Districts	<ul style="list-style-type: none"> <li><u>Originally:</u> Section 3-2</li> <li>Updated purpose statements.</li> <li>Simplified the organization of each district.</li> <li>OTC District: Sub-district boundary text and map added.</li> <li>OTC District: Fire suppression requirement added.</li> <li>OTC District: Regulations for platted/vested properties and regulations for non-platted/non-vested properties.</li> <li>OTC District: Façade plan review requirement to the Façade Plan Review Section.</li> <li>OTC District: Deleted duplicated accessory building and convenience store regulations.</li> <li>OTC District: Deleted hours of operation under.</li> </ul>
11	51	Subsection 2.05. Special Zoning Districts	<ul style="list-style-type: none"> <li><u>Originally:</u> Section 3-3</li> <li>Updated purpose statements and illustrations.</li> <li>Simplified the organization of each district.</li> <li>Updated and added selected illustrations.</li> <li>Amended the format of the Preston Road and Tollway Overlays to match the other zoning district formats.</li> <li>Moved the Tollway Overlay District's conditional uses to the overall use chart.</li> <li>Private clubs regulations have been updated and moved to the use chart and conditional use regulations section for ease of use.</li> <li>Replaced façade standards within the PRO and TO with new Nonresidential Design Standards in Section 4.09.</li> <li>PRO District: Alternative front yard setbacks have been added, approval by the P&amp;Z.</li> <li>PRO District: Boundary map updated.</li> <li>TO District: Boundary map updated.</li> <li>TO District: Prohibited uses moved to use chart.</li> <li>TO District: Conditional uses moved to global conditional use section.</li> </ul>

#	Pg.	Section	Summary of Change
12	82	Subsection 2.06. Development Standards Tables	<ul style="list-style-type: none"> <li>• <u>New Section</u></li> <li>• Residential Dimensional Changes: <ul style="list-style-type: none"> <li>○ Minimum Lot Width: <ul style="list-style-type: none"> <li>▪ 2F – Updated standard to 76' wide for duplex / 38' per dwelling unit. Previously standard was 65', which was unclear if the lot width applied to the entire duplex or a single unit of the duplex.</li> </ul> </li> <li>○ Minimum Dwelling Area: <ul style="list-style-type: none"> <li>▪ All districts exceeding 800 square feet have been reduced to 800 sq.ft.</li> </ul> </li> <li>○ Maximum Height: <ul style="list-style-type: none"> <li>▪ Added stories requirement and definition.</li> </ul> </li> <li>○ Maximum Lot Coverage: <ul style="list-style-type: none"> <li>▪ SF-8.5: Increased from 40% to 45% to be consistent with other districts.</li> </ul> </li> </ul> </li> <li>• Nonresidential Dimensional Changes: <ul style="list-style-type: none"> <li>○ Updated the following lot dimensions to reflect existing development patterns.</li> <li>○ Minimum Front Yard <ul style="list-style-type: none"> <li>▪ C-1: Decreased from 50' to 30'</li> <li>▪ C-2: Decreased from 100' to 30' (change was to correct a typographical error within first draft – C-2 has been 30')</li> </ul> </li> <li>○ Minimum Lot Area <ul style="list-style-type: none"> <li>▪ O-1: Increased from 7,000 sq.ft. to 10,000 sq.ft.</li> <li>▪ O-2: Increased from 10,000 sq.ft to 12,500 sq.ft.</li> <li>▪ I: Increased from 7,000 sq.ft. to 43,560 sq.ft.</li> </ul> </li> <li>○ Minimum Lot Width <ul style="list-style-type: none"> <li>▪ R: Increased from 60' to 100'</li> <li>▪ H: Increased from 100' to 125'</li> <li>▪ C-1: Increased from 80' to 100'</li> <li>▪ C-2: Increased from 50' to 100'</li> <li>▪ I: Increased from 60' to 200'</li> </ul> </li> <li>○ Minimum Lot Depth <ul style="list-style-type: none"> <li>▪ O-2: Increased from 100' to 125'</li> <li>▪ I: Increased from 100' to 200'</li> </ul> </li> <li>○ Maximum FAR <ul style="list-style-type: none"> <li>▪ R: Increased from 0.4:1 to 0.5:1</li> </ul> </li> </ul> </li> </ul>
Section 3. Land Uses			
13	86	Subsection 3.01. Use of Land and Buildings	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 2-3</li> <li>• Updated classification of new and unlisted uses.</li> <li>• Added the use of color for the Use Chart.</li> </ul>

#	Pg.	Section	Summary of Change
14	87	Subsection 3.02. Use Chart	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 2-3</li> <li>• Added state uses/definitions for child-care centers.</li> <li>• Evaluated all SUPs / changed on an as-needed basis.</li> <li>• Added the Tollway Overlay District to the use chart.</li> <li>• Alphabetized the use chart by residential and nonresidential uses.</li> <li>• Updated the conditional use section with updated standards.</li> <li>• Deleted conditional use requirements for hotels.</li> <li>• Deleted and combined standards on an as-needed basis, such as oil and gas wells use was combined with the mineral extraction use.</li> <li>• Deleted requirement for gas pumps to be within 200' of the right-of-way lines of intersecting major thoroughfares.</li> <li>• Alphabetized the conditional use section for ease of use.</li> <li>• Changed the appeal of the Director's decision regarding Home Occupation determination from the City Council to the P&amp;Z.</li> <li>• All alcohol regulations now contained in conditional use section.</li> <li>• Added requirement that child-care homes with six (6) or more children shall meet the City's building and/or fire codes.</li> <li>• Use Chart Changes: <ul style="list-style-type: none"> <li><b><u>RESIDENTIAL USES:</u></b> <ul style="list-style-type: none"> <li>○ Garage Apartment: <ul style="list-style-type: none"> <li>▪ Added as "P" in OTR</li> </ul> </li> <li>○ Guest House: <ul style="list-style-type: none"> <li>▪ Added as "P" in OTR</li> </ul> </li> <li>○ Multifamily Residence: <ul style="list-style-type: none"> <li>▪ Added as "P" in OTC</li> </ul> </li> <li>○ Retirement Housing: <ul style="list-style-type: none"> <li>▪ Added as "P" in OTC</li> </ul> </li> <li>○ Townhome: <ul style="list-style-type: none"> <li>▪ Added as "P" in MF-15</li> <li>▪ Added as "P" in MF-19</li> </ul> </li> </ul> </li> <li><b><u>NONRESIDENTIAL USES:</u></b> <ul style="list-style-type: none"> <li>○ Accessory Structure: <ul style="list-style-type: none"> <li>▪ Added as "P" in OTC</li> </ul> </li> <li>○ Alcoholic Beverage Establishment: <ul style="list-style-type: none"> <li>▪ New use added to Use Chart</li> </ul> </li> <li>○ Amenity Center: <ul style="list-style-type: none"> <li>▪ New use added to Use Chart</li> </ul> </li> <li>○ Assisted Living Facility <ul style="list-style-type: none"> <li>▪ Formerly title "Assisted Care or Living Facility"</li> <li>▪ Added allowed by "S" to the "H", "C-1" and "C-2" districts.</li> </ul> </li> <li>○ Auto Parts Sales, Inside: <ul style="list-style-type: none"> <li>▪ Deleted and replaced by "Retail Stores and Shops"</li> </ul> </li> <li>○ Automobile Paid Parking Lot/Garage: <ul style="list-style-type: none"> <li>▪ Changed from "S" to "P" in O-2</li> <li>▪ Changed from "not allowed" to "P" in O-1, R, and IT</li> </ul> </li> <li>○ Automobile Sales Used: <ul style="list-style-type: none"> <li>▪ Deleted Conditional Development Standard 29 in H</li> <li>▪ Deleted "P" in C-1</li> </ul> </li> <li>○ Bank: <ul style="list-style-type: none"> <li>▪ Changed from "S" to "P" in O-1</li> </ul> </li> <li>○ Bed and Breakfast Inn: <ul style="list-style-type: none"> <li>▪ Deleted "S" in O-1 and O-2</li> <li>▪ Deleted "P" in H and C-2</li> </ul> </li> <li>○ Big Box Development: <ul style="list-style-type: none"> <li>▪ New use added to Use Chart</li> </ul> </li> <li>○ Boarding or Rooming House: <ul style="list-style-type: none"> <li>▪ New use added to Use Chart</li> </ul> </li> <li>○ Bottling Works: <ul style="list-style-type: none"> <li>▪ Deleted use</li> </ul> </li> <li>○ Car Wash, Self Service:</li> </ul> </li> </ul> </li></ul>

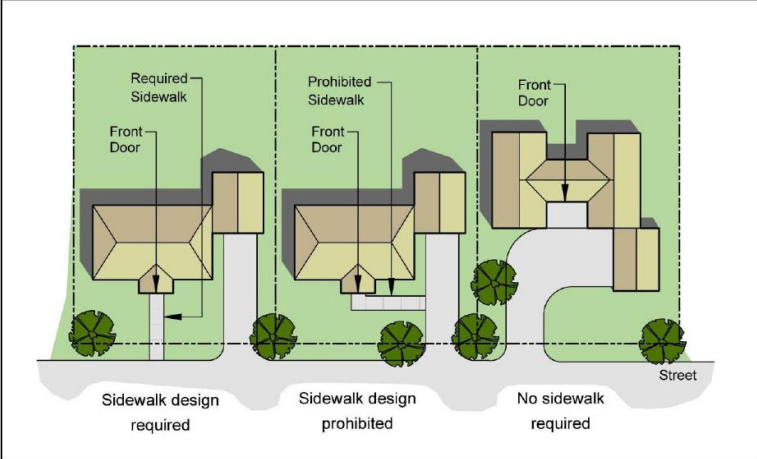
#	Pg.	Section	Summary of Change
			<ul style="list-style-type: none"> <li>▪ Deleted “P” in OTC</li> <li>▪ Changed from “P” to “S” in C-2</li> <li>○ Child-Care: Foster Family Home: <ul style="list-style-type: none"> <li>▪ New use added to Use Chart</li> </ul> </li> <li>○ Child-Care: Foster Group Home: <ul style="list-style-type: none"> <li>▪ New use added to Use Chart</li> </ul> </li> <li>○ Child-Care: Licensed Child-Care Center: <ul style="list-style-type: none"> <li>▪ New use added to Use Chart and replaces: <ul style="list-style-type: none"> <li>• Day Care Center</li> <li>• Drop In Child Care</li> <li>• Day Care Center Incidental</li> </ul> </li> </ul> </li> <li>○ Child-Care: Licensed Child-Care Home: <ul style="list-style-type: none"> <li>▪ New use added to Use Chart</li> </ul> </li> <li>○ Child-Care: Listed Family Home: <ul style="list-style-type: none"> <li>▪ New use added to Use Chart</li> </ul> </li> <li>○ Child-Care: Registered Child-Care Home: <ul style="list-style-type: none"> <li>▪ New use added to Use Chart</li> </ul> </li> <li>○ Commercial Amusement, Outdoor: <ul style="list-style-type: none"> <li>▪ Added “S” in H and IT</li> </ul> </li> <li>○ Day Services, Adult: <ul style="list-style-type: none"> <li>▪ Formerly referred to as “Adult Day Care”</li> <li>▪ Added “S” in MF-19</li> <li>▪ Changed from “S” to “P” in all nonresidential districts except I</li> </ul> </li> <li>○ Equipment Machinery Sales and Rental, Major: <ul style="list-style-type: none"> <li>▪ Added “S” in H</li> <li>▪ Changed from “P” to “S” in C-2</li> </ul> </li> <li>○ Farmers Market: <ul style="list-style-type: none"> <li>▪ Changed from “S” to “P” in C-2</li> </ul> </li> <li>○ Feed Store: <ul style="list-style-type: none"> <li>▪ Changed from “not allowed” to “P” in H</li> </ul> </li> <li>○ Gunsmith: <ul style="list-style-type: none"> <li>▪ Deleted use</li> </ul> </li> <li>○ Gymnastics/Dance Studio: <ul style="list-style-type: none"> <li>▪ Added “P” in O-2 and IT</li> </ul> </li> <li>○ Hall, Reception/Banquet/Meeting: <ul style="list-style-type: none"> <li>▪ New use added to Use Chart</li> </ul> </li> <li>○ Hotel: <ul style="list-style-type: none"> <li>▪ Changed from C.U. Standard to “P”</li> </ul> </li> <li>○ Mineral Extraction: <ul style="list-style-type: none"> <li>▪ Deleted use</li> </ul> </li> <li>○ Motorcycle Sales/Service: <ul style="list-style-type: none"> <li>▪ Changed from C.U. Standard to “S” in H</li> <li>▪ Changed from “S” to “P” in C-2</li> </ul> </li> <li>○ Nursing/Convalescent Home <ul style="list-style-type: none"> <li>▪ New Use</li> <li>▪ Allowed as a “S” in the “MF-15”, “MF-19”, “O-1”, “O-2”, “R”, “H”, C-1”, “C-2” districts.</li> </ul> </li> <li>○ Office/Showroom: <ul style="list-style-type: none"> <li>▪ Added “P” in C-1</li> </ul> </li> <li>○ Office/Warehouse/Distribution Center: <ul style="list-style-type: none"> <li>▪ Added “S” in C-1</li> <li>▪ Changed from “P” to “S” in C-2</li> </ul> </li> <li>○ Outside Storage and Display (Incidental Use): <ul style="list-style-type: none"> <li>▪ Added use</li> </ul> </li> <li>○ Pawn Shop: <ul style="list-style-type: none"> <li>▪ Changed from “P” to “not allowed” in C-2</li> </ul> </li> <li>○ Recreational Vehicle Sales and Service, New/Used: <ul style="list-style-type: none"> <li>▪ Added “S” in H</li> </ul> </li> <li>○ Recreational Vehicle/Truck Parking Lot or Garage: <ul style="list-style-type: none"> <li>▪ Changed from “P” to “S” in C-2</li> </ul> </li> <li>○ Rehabilitation In-Home Care:</li> </ul>

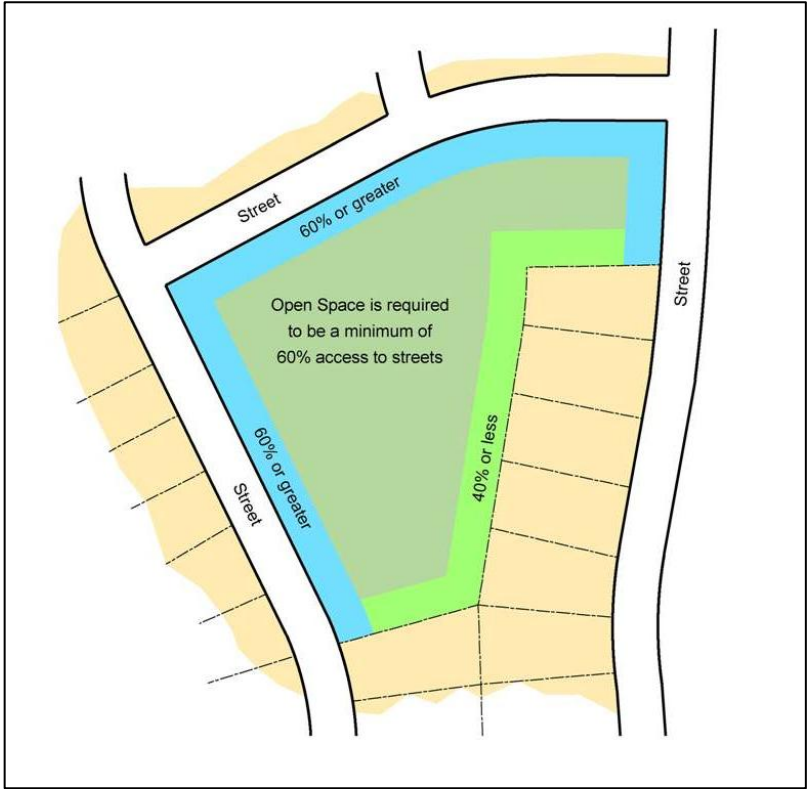
#	Pg.	Section	Summary of Change										
			<ul style="list-style-type: none"><li>▪ Added “S” in OTC; but then was deleted after review</li><li>○ Theater, Drive-In:<ul style="list-style-type: none"><li>▪ Changed from “not allowed” to “S” in H</li></ul></li><li>○ Theater, Neighborhood:<ul style="list-style-type: none"><li>▪ Changed from “S” to “P” in O-2</li></ul></li><li>○ Theater, Regional:<ul style="list-style-type: none"><li>▪ Changed from “S” to “P” in O-2</li></ul></li><li>○ Transit Center:<ul style="list-style-type: none"><li>▪ Changed from “not allowed” to “P” in R, OTC, C-1, C-2, and IT</li></ul></li><li>○ Trailer Rental:<ul style="list-style-type: none"><li>▪ Deleted “S” in R and C-1</li><li>▪ Added “S” to H</li><li>▪ Changed “P” to “S” in C-2</li></ul></li><li>○ Trailer/Manufactured Home Display and Sales:<ul style="list-style-type: none"><li>▪ Changed from “S” to “P” in I</li></ul></li><li>○ Truck Sales, Heavy Trucks:<ul style="list-style-type: none"><li>▪ Added “S” to H</li></ul></li><li>○ Veterinarian Clinic and/or Kennel, Outdoor:<ul style="list-style-type: none"><li>▪ Added “S” to H</li></ul></li></ul>										
Section 4. Site Development Requirements													
15	114	Subsection 4.01. Tree Preservation Requirements	<ul style="list-style-type: none"><li>• <u>Originally</u>: Section 4-3</li><li>• Now, one universal table for tree mitigation/replacement<table><tr><th>Size of Protected Tree*</th><th>Percentage Replacement Trees**</th></tr><tr><td>Less than 6"</td><td>0%</td></tr><tr><td>6" – 12"</td><td>100%</td></tr><tr><td>12.1" - 20"</td><td>150%</td></tr><tr><td>20.1" or greater</td><td>300%</td></tr></table><p>*All existing tree measurements are in caliper inches as measured four and one-half feet (4 ½') DBH above the natural ground level.</p><p>For multiple trunk trees, combine the diameter of largest stem or trunk with one-half of the diameter of each additional stem or trunk, all measured at four and one half feet (4½') above ground level.</p><p>** All replacement tree measurements are in caliper inches in accordance with the American Standards for Nursery Stock (ANSI Z60.1-2004) and shall be minimum three (3)inch caliper trees unless otherwise noted.</p><p>All replacement trees shall be selected from and conform to the standards of <a href="#">4.02.03. Approved Plant Materials and Landscape Standards</a> (Page <a href="#">122</a>).</p></li><li>• Changed protected tree criteria:<ul style="list-style-type: none"><li>○ Reduced caliper inch from 8” to 6” and extended citywide;</li><li>○ Trees 6” or larger within the Riparian Buffer, regardless of species, are protected trees; smaller caliper replacement trees are allowed for mitigation of trees removed from the Riparian Buffer and floodplains.</li></ul></li><li>• Combined all the tree replacement tables into one table.</li><li>• Clarified when tree surveys and tree preservation plans are required.</li></ul>	Size of Protected Tree*	Percentage Replacement Trees**	Less than 6"	0%	6" – 12"	100%	12.1" - 20"	150%	20.1" or greater	300%
Size of Protected Tree*	Percentage Replacement Trees**												
Less than 6"	0%												
6" – 12"	100%												
12.1" - 20"	150%												
20.1" or greater	300%												

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16	122	Subsection 4.02. Landscape Requirements	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 4-2</li> <li>• Replaced all iSWM references to best management practices.</li> <li>• All definitions either moved to definition section or incorporated into an application checklist/form maintained by the Director.</li> <li>• Added "Equivalent or Superior Landscape Requirements" 4.02.02(D) as an optional standard.</li> <li>• Director now will establish and maintain a list of required landscape documents in a form and this information will not be in the zoning ordinance.</li> <li>• Landscape water use calculations will now be in a form maintained and updated outside of the zoning ordinance.</li> <li>• Section reformatted to include graphic tables that illustrate the landscape requirements.</li> <li>• Standards are now based more on site layout than area coverage.</li> <li>• Deleted Residential PD tree requirement, tree requirements will be regulated by base zoning district.</li> <li>• Rainwater Harvest Zone has been renamed Water Resource Zone, and combined with interior parking landscaping requirements.</li> <li>• The approved plant list is removed from the zoning ordinance and will be established and maintained by the Director for flexibility.</li> <li>• Identified a minimum tree coverage/trees per acre requirement for nonresidential in keeping with actual developments.</li> <li>• Added updated illustrations.</li> <li>• Added option for a ceremonial drive; this will allow for clustering of landscaping.</li> <li>• All case specific landscaping requirements have been relocated to a new table.</li> </ul>
17	135	Subsection 4.03. Screening Standards	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 4-5</li> <li>• Consolidated all screening standards within this section.</li> <li>• Added screening installation and maintenance requirements (4.03.02.D).</li> <li>• Added illustrations to depict basic screening types.</li> <li>• Added graphic tables to define screening requirements and options.</li> <li>• Added requirement for entryway wall standards for subdivisions. <ul style="list-style-type: none"> <li>○ Revised illustration and standards: Required fencing would be either ornamental fencing or the same as the screening wall.</li> </ul> </li> </ul>  <ul style="list-style-type: none"> <li>• Screening standards are now found in Section 4.03.03, with illustrations.</li> <li>• Location of required screening is now found in Section 4.03.04.</li> </ul>



#	Pg.	Section	Summary of Change
18	146	Subsection 4.04. Off-Street Parking and Loading Requirements	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 4-4</li> <li>• Added graphics to illustrate stacking requirements.</li> <li>• Updated illustrations.</li> <li>• Updated OTC on-street parking requirements to match the Downtown Architectural Design Standards.</li> <li>• Update the shared parking space calculations (4.04.06.E) to clarify how to calculate baseline number of parking spaces.</li> <li>• Added to 4.03.07.A.4: Refuse and recycling collection enclosure doors cannot open into or obstruct the fire lane, access easement, or utility easement. Added (Section 4.03.09) standards to reduce storm water runoff by requiring parking lots with 200+ spaces that exceed the minimum requirement. <ul style="list-style-type: none"> <li>○ All parking spaces over 200 which are in excess of the minimum number of required parking spaces shall provide an additional landscape area equal to five (5) percent of the excess parking surface and provide one additional tree per 500 square feet of landscape area as shown within 4.02.06 Water Resource Landscape Zones for Interior Landscape Areas.</li> </ul> </li> </ul>
19	159	Subsection 4.05. Lighting and Glare Standards	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 4-6</li> <li>• Added illustrations depicting permitted and prohibited lighting types.</li> <li>• Added: Chief Building Official may revoke permitted temporary lighting on the basis of incorrect information supplied, or where it is determined that the lighting adversely effects the health or safety of the public. (4.05.03.(8))</li> <li>• Added: Certification Statement: <ul style="list-style-type: none"> <li>○ The lighting plan shall also contain a certification by the property owner or agent and the preparer of the lighting plan that the exterior lighting depicted on the lighting plan complies with the requirements of this Ordinance after installation. (4.05.06.(5))</li> </ul> </li> </ul>
20	167	Subsection 4.06. Accessory Building and Use Regulations	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 4-7</li> <li>• Reformatting of illustrations and standards for easy reference.</li> <li>• Added: In the MH District, no carport, garage, storage structure, office, caretaker's dwelling, laundry house, or other permitted structure may be located nearer than ten (10) feet to any side or rear property line. Such structures shall also be subject to front yard setback requirements of the primary structure.</li> </ul>

#	Pg.	Section	Summary of Change
21	172	Subsection 4.07. Supplementary Regulations	<ul style="list-style-type: none"> <li>Originally: Section 4-9</li> <li>Residential Changes: <ul style="list-style-type: none"> <li>Removed satellite dish and broadband antenna requirements.</li> <li>Added regulations per the Texas Occupations Code §1202.253 (SB1326), Modular (Industrialized) homes. (4.07.08)</li> <li>Added Single Family Residential Density Bonus for providing a single-loaded street adjacent to a creek for the portion over the minimum 60% required by the Major Creeks Ordinance. (4.07.15) <ul style="list-style-type: none"> <li>As an incentive for preserving land adjacent to a creek, a density bonus shall be given to developments using a single-loaded street (i.e., homes only on one side of street) adjacent to a creek. The bonus applies only to projects that provide 100 percent single loaded streets in lieu of the sixty (60) percent required by the Subdivision Ordinance.</li> </ul> </li> <li>Added illustrations for front porches for clarification (4.07.16).</li> <li>Added Residential Front Entry Garage Standards (4.07.18). Added requirement for a sidewalk to be provided from the front door to the street.</li> </ul> </li> </ul>  <ul style="list-style-type: none"> <li>Nonresidential Changes: <ul style="list-style-type: none"> <li>Added front yard setback reduction for nonresidential zoning districts (4.07.02.(H))</li> <li>Added basic wind energy conversion system standards (4.07.04).</li> <li>Under 4.07.12. Adjacency of Certain Uses to Residential Zoning, added: <ul style="list-style-type: none"> <li>(D) External Balconies and Walkways: Nonresidential external balconies and walkways adjacent to the building shall be set back two hundred feet (200') from any residential zoning district.</li> </ul> </li> </ul> </li> <li>Residential/Nonresidential Changes <ul style="list-style-type: none"> <li>Under 4.07.14. Nonresidential and Multifamily Development Adjacent to a Major Creek, added: <ul style="list-style-type: none"> <li>If the 4.12.04. Voluntary Buffer Requirements are met, then the area within the Riparian Buffer shall count towards open space.</li> </ul> </li> <li>Added standard and illustration to reflect interconnectivity of developments (4.07.17) – Added residential districts to applicability standards and reduction to one connection per Director Approval.</li> </ul> </li> </ul>
22	192	Subsection 4.08. Nonresidential Development Standards	<ul style="list-style-type: none"> <li><u>Originally:</u> Section 4-11</li> <li>Deleted the required architectural elements because Section 4.09 replaces these.</li> <li>Added illustrations to reflect intent of architectural finished buildings and landscaping.</li> <li>Clarified that IT and I zoning districts are exempt.</li> </ul>


#	Pg.	Section	Summary of Change
23	195	Subsection 4.09. Nonresidential Design Standards	<ul style="list-style-type: none"> <li>• <u>New Section</u></li> <li>• Added façade design guidelines for nonresidential development.</li> <li>• New section designed to consolidate all nonresidential design standards.</li> <li>• Clarified that IT and I zoning districts are exempt.</li> </ul>
25	199	Subsection 4.10. Residential Cluster Development Option	<ul style="list-style-type: none"> <li>• <u>New Section</u></li> <li>• New section created to promote the clustering of housing types with provisions for open space requirements and density bonuses for housing integration.</li> <li>• Clarified that dwelling unit calculations are rounded to the closest whole number.</li> </ul>
26	203	Subsection 4.11. Voluntary Buffer Areas for Creeks and Tributaries	<ul style="list-style-type: none"> <li>• <u>New Section</u></li> <li>• New section which provides for residential density bonus for providing a “wider” buffer adjacent to a creek.</li> <li>• The density bonus equals the number of units that could have been built within the “wider” buffer area and an additional fifteen (15) percent.</li> <li>• Clarified that dwelling unit calculations are rounded to the closest whole number.</li> <li>• Exempt development from Tree Preservation requirements.</li> </ul>
28	206	Subsection 4.12. Multifamily Development Standards	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 3-1</li> <li>• Consolidated the current multifamily requirements to one section.</li> <li>• Removed list of required amenities, which reflects actual development trends.</li> </ul>
29	213	Subsection 4.13. Usable Open Space Requirements for All Districts	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 3-1 and 3-2</li> <li>• PH/TH minimum usable open space area reduced from 20,000 to 10,000 square feet. Allows up to 40% of the open space perimeter to be backed by homes.</li> </ul> 

#	Pg.	Section	Summary of Change
			<ul style="list-style-type: none"> <li>MF - Deleted 2:1 open space credit for swimming pools, etc.; deleted 1:1 credit for common buildings, tennis courts, etc.</li> <li>Eliminated duplicate standards by combining into this new section.</li> <li>Allows open space requirement to be distributed through the overall development to create more usable open spaces vs. a parcel-by-parcel requirement.</li> <li>Detention and retention ponds may count towards open space, if criteria are met.</li> <li>Clarified and improve figures.</li> </ul>
Section 5. Development Review Bodies			
30	218	Subsection 5.01. Director of Development Services	<ul style="list-style-type: none"> <li><u>New Section</u></li> <li>Describes the roles and responsibilities of the Director.</li> <li>Added the Director can approve a site plan if the P&amp;Z has approved the preliminary site plan.</li> </ul>
31	221	Subsection 5.02. Planning & Zoning Commission	<ul style="list-style-type: none"> <li><u>New Section</u></li> <li>Describes the roles and responsibilities of the P&amp;Z per current practice.</li> </ul>
32	222	Subsection 5.03. City Council	<ul style="list-style-type: none"> <li><u>New Section</u></li> <li>Describes the roles and responsibilities of the City Council per current practice</li> </ul>
33	223	Subsection 5.04. Board of Adjustment	<ul style="list-style-type: none"> <li><u>Originally:</u> Section 1-11</li> <li>Describes the roles and responsibilities of the BOA per current practice.</li> <li>Updated wording regarding appeal of BOA decision, Section 5.04.08.</li> </ul>
Section 6. Development Review Procedures			
34	228	Subsection 6.01. Zoning Upon Annexation	<ul style="list-style-type: none"> <li><u>Originally:</u> Section 1-6</li> <li>Revised an application for a Building Permit or Certificate of Occupancy within newly annexed land to be approved by P&amp;Z and that this decision may be appealed to City Council. Previously Council would approve with a P&amp;Z recommendation.</li> </ul>
35	229	Subsection 6.02. Platting Property Not Zoned	<ul style="list-style-type: none"> <li><u>Originally:</u> Section 1-7</li> <li>Added zoning and annexation request may be simultaneously considered.</li> </ul>
36	229	Subsection 6.03. Creation of Building Site	<ul style="list-style-type: none"> <li><u>Originally:</u> Section 1-8</li> <li>No changes.</li> </ul>
37	230	Subsection 6.04. Certificates of Occupancy and Compliance	<ul style="list-style-type: none"> <li><u>Originally:</u> Section 1-9</li> <li>Deleted temporary certificate of occupancy because of a separate ordinance.</li> <li>Deleted requirement for Certificates of Occupancy for nonconforming uses.</li> </ul>

#	Pg.	Section	Summary of Change
38	232	Subsection 6.05. Site Plan Requirements	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 4-1</li> <li>• Replaced the list of application requirements with text stating that the Director will establish and maintain application requirements.</li> <li>• Added the Director can approve a site plan if the P&amp;Z has approved the preliminary site plan.</li> <li>• Staff will now be evaluating the required elements on a preliminary site plan to reduce the number of required features. Staff will maintain this list separate from the zoning ordinance.</li> </ul>
39	242	Subsection 6.06. Amendments to the Zoning Ordinance / Districts and Administrative Procedures	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 1-11</li> <li>• Added illustrations depicting the 200-foot notification requirement and the 20% documented protest requirement.</li> <li>• Clarified the ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.</li> </ul>
40	247	Subsection 6.07. Vesting and Complete Application Requirements	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 1-12</li> <li>• Updated to ensure compliance with State law regarding incomplete applications and vesting.</li> </ul>
41	250	Subsection 6.08. Dormant Development Projects / Expired Projects	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 1-13</li> <li>• Minor editing and formatting.</li> </ul>
42	251	Subsection 6.09. Variance Procedures	<ul style="list-style-type: none"> <li>• <u>New Section</u></li> <li>• New section establishing criteria for granting variances.</li> <li>• Added “natural or manmade” to the special conditions in 6.09.01.C.2.</li> </ul>
43	253	Subsection 6.10: Special Exception for Building Official Error	<ul style="list-style-type: none"> <li>• New section establishing criteria for granting special exceptions</li> </ul>
43	254	Subsection 6.11. Amortization of a Nonconforming Use	<ul style="list-style-type: none"> <li>• <u>New Section</u></li> <li>• New section in conformance with State law provisions for the termination of nonconforming uses.</li> <li>• City Council must initiate amortization process.</li> <li>• BOA establishes the compliance date.</li> </ul>
44	256	Subsection 6.12. Reinstatement of Nonconforming Right	<ul style="list-style-type: none"> <li>• <u>New Section</u></li> <li>• Allows for nonconforming rights to be reinstated by the Board of Adjustment.</li> </ul>
45	257	Subsection 6.13. Landscape Plan Review	<ul style="list-style-type: none"> <li>• <u>New Section</u></li> <li>• New section to establish landscape plan approval process and review criteria.</li> <li>• Changed 6.13.02.A.5.c to read: Allow groundwater recharge pursuant to practices approved by the Director of Engineering Services – rather than pursuant to ISWM guidelines.</li> </ul>
46	258	Subsection 6.14. PD Application and Review	<ul style="list-style-type: none"> <li>• <u>New Section</u></li> <li>• Consolidated Planned Development submittal requirements.</li> </ul>

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47	264	Subsection 6.15. Specific Use Permit (SUP) Application and Review	<ul style="list-style-type: none"> <li>• <u>New Section</u></li> <li>• Consolidated SUP submittal requirements.</li> <li>• Removed four (4) criteria questions to facilitate flexibility in requesting an SUP.</li> </ul>																				
48	267	Subsection 6.16. Façade Plan Review	<ul style="list-style-type: none"> <li>• <u>New Section</u></li> <li>• New section to consolidate façade plan approval process and review criteria into one section.</li> </ul>																				
49	269	Subsection 6.17. Historic Landmark Procedures	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 3-3</li> <li>• Minor editing and formatting.</li> </ul>																				
50	271	Subsection 6.18. Alternative Compliance Standards	<ul style="list-style-type: none"> <li>• <u>New Section</u></li> <li>• New section to permit the Director, P&amp;Z, or Council to approve predetermined alternative compliance standards listed throughout the Zoning Ordinance. Appeal provision included where the Planning &amp; Zoning Commission and City Council may consider appeals.</li> </ul> <table border="1"> <thead> <tr> <th>Standard</th><th>Director Approval</th><th>P&amp;Z Approval</th><th>City Council Approval</th></tr> </thead> <tbody> <tr> <td>Front Yard Setbacks</td><td></td><td>X</td><td></td></tr> <tr> <td>Building Heights</td><td></td><td></td><td>X</td></tr> <tr> <td>Façade Requirements</td><td>X</td><td></td><td></td></tr> <tr> <td>Land Uses</td><td></td><td></td><td>X</td></tr> </tbody> </table>	Standard	Director Approval	P&Z Approval	City Council Approval	Front Yard Setbacks		X		Building Heights			X	Façade Requirements	X			Land Uses			X
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Front Yard Setbacks		X																					
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51	272	Subsection 6.19. Appeals and the Appeal Process	<ul style="list-style-type: none"> <li>• <u>New Section</u></li> <li>• New section consolidating appeals process and criteria.</li> </ul>																				

#	Pg.	Section	Summary of Change
Section 7. Definitions			
52	278	Subsection 7.01. Terms and Words Defined	<ul style="list-style-type: none"> <li>• <u>Originally</u>: Section 2-4</li> <li>• Consolidated and clarified definitions.</li> <li>• Used state definitions for State regulated businesses.</li> <li>• Updated definitions as needed.</li> <li>• Added Definitions <ul style="list-style-type: none"> <li>○ Assisted Living Facility <ul style="list-style-type: none"> <li>▪ A facility providing residence, supervision and daily assistance for individuals, generally persons 55 years of age or older, with common dining and recreational areas designed for the needs of the elderly. Services in these establishments include assistance with routine living functions that are non-medical in nature, such as dressing, grooming, bathing, and social and recreational services, such as meal services, transportation, housekeeping, linen and organized social activities. An assisted living facility may include an adult daycare as an accessory use.</li> </ul> </li> <li>○ Big Box Retail Development</li> <li>○ Block</li> <li>○ Block Face</li> <li>○ Block Length</li> <li>○ Boarding or Rooming House</li> <li>○ Build-to-Line</li> <li>○ Child-Care: Foster Family Home</li> <li>○ Child-Care: Foster Group Home</li> <li>○ Child-Care: Licensed Child-Care Center</li> <li>○ Child-Care: Licensed Child-Care Home</li> <li>○ Child-Care: Listed Family Home</li> <li>○ Child-Care: Registered Child-Care Home</li> <li>○ Cottage Food Production Operation</li> <li>○ Disability or Handicap</li> <li>○ Educational Use</li> <li>○ Hall Reception/banquet/meeting</li> <li>○ Institutional Use</li> <li>○ Kennel</li> <li>○ Manufactured Home</li> <li>○ Net Acre, Subdivision <ul style="list-style-type: none"> <li>▪ The total remaining acres of a subdivision after subtracting land dedicated for right-of-ways greater than sixty (60) feet, floodplains, and erosion hazard setbacks, easements greater than twenty (20) feet, areas for thoroughfare screening, and land provided for City and school district purposes.</li> </ul> </li> <li>○ New Urbanism</li> <li>○ Nursing/Convalescent Home <ul style="list-style-type: none"> <li>▪ An institutional facility licensed by the State of Texas providing in-patient health care, personal care or rehabilitative services over a long period of time generally exceeding thirty days to persons chronically ill, aged or disabled who need on-going health supervision but not including hospitals. This use excludes the provision of surgical or emergency medical services and the provision of care for alcoholism, drug addiction, mental disease, or communicable disease.</li> </ul> </li> </ul> </li> </ul>

#	Pg.	Section	Summary of Change
			<ul style="list-style-type: none"> <li>○ Open Ornamental Fence (Generally replaces references to “wrought iron”) <ul style="list-style-type: none"> <li>▪ Fencing constructed with wrought iron, tubular steel or similar materials and designed to allow for partial visibility from one side of the fence to the other. Open ornamental fences may have solid masonry foundations, columns, or similar features. Chain link fences are not included in this definition.</li> </ul> </li> </ul>  <ul style="list-style-type: none"> <li>○ Outside Merchandise Display, Temporary</li> <li>○ Package Sales</li> <li>○ Portable Building Sales</li> <li>○ Riparian Buffer</li> <li>○ Riparian Corridor</li> <li>○ Smart Controller</li> <li>○ Storage or Wholesale Warehouse</li> <li>○ Trailer/Manufactured Home Display and Sales</li> <li>○ Urban Mixed Use</li> <li>○ Village Green</li> <li>○ Wind Energy Conversion Systems, Farm or Utility</li> <li>○ Wind Energy Conversion Systems, Small</li> </ul>
Section 8. Administrative Clauses			
53	314	Subsection 8.01. Savings / Repealing	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 5-1</li> <li>• Minor editing and formatting.</li> </ul>
54	314	Subsection 8.02. Penalty for Violations	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 5-2</li> <li>• Updated scale for violations.</li> </ul>
55	314	Subsection 8.03. Severability	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 5-3</li> <li>• Minor editing and formatting.</li> </ul>
56	314	Subsection 8.04. Estoppel / Waiver	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 5-4</li> <li>• Minor editing and formatting.</li> </ul>
57	315	Subsection 8.05. Publication	<ul style="list-style-type: none"> <li>• <u>Originally:</u> Section 5-5</li> <li>• Minor editing and formatting.</li> </ul>



#	Pg.	Section	Summary of Change
		Section 9. Appendices	
58	318	Subsection 9.01. Illustrations	<ul style="list-style-type: none"> <li>• <u>Originally</u>: Section 6-1</li> <li>• New illustrations depicting various development requirements.</li> <li>• New illustration: Front Yard Coverage Illustration (9.01.01.4)</li> <li>• New illustration: Parking Layouts Illustration (9.01.01.10)</li> <li>• New illustration: Lot Depth Measurement Illustration (9.01.01.5)</li> </ul>
59	326	Subsection 9.02. Planned Developments	<ul style="list-style-type: none"> <li>• <u>Originally</u>: Section 6-2</li> <li>• PD list removed and instead adopted by reference to a list maintained by the Director.</li> </ul>
60	326	Subsection 9.03. Specific Use Permits	<ul style="list-style-type: none"> <li>• <u>Originally</u>: Section 6-3</li> <li>• SUP list removed and instead adopted by reference to a SUP list maintained by the Director.</li> </ul>
61	326	Subsection 9.04. Historic Landmark Designations	<ul style="list-style-type: none"> <li>• <u>Originally</u>: Section 6-4</li> <li>• Minor editing and formatting.</li> </ul>
62	327	Subsection 9.05. Conversion Chart for Ordinance Nos. 93-07-11 and 00-11-01	<ul style="list-style-type: none"> <li>• <u>Originally</u>: Section 6-5</li> <li>• Section to be removed.</li> </ul>
63	329	Subsection 9.06. Downtown Architectural Design Standards; OTC & OTR	<ul style="list-style-type: none"> <li>• <u>Originally</u>: Section 6-6</li> <li>• No changes.</li> </ul>
64	330	Subsection 9.07. Form-Based Code Manual	<ul style="list-style-type: none"> <li>• <u>Originally</u>: Section 6-7</li> <li>• No changes.</li> </ul>
Other Changes			
65		Traffic Impact Analysis	<ul style="list-style-type: none"> <li>• <u>Originally</u>: Section 4-10</li> <li>• This section removed in its entirety and placed in the thoroughfare Design Standards.</li> </ul>
66		Alternative Subdivision Design	<ul style="list-style-type: none"> <li>• <u>Originally</u>: Section 4-8</li> <li>• This section removed in its entirety.</li> </ul>